

LUNENBURG PLANNING BOARD TOWN OF LUNENBURG

Joanna L. Bilotta-Simeone, Chair
Nathan J. Lockwood, Vice-Chair
Damon McQuaid, Clk.
Kenneth Chenis, Mbr.
Matthew Allison, Mbr.



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Adam R. Burney
Land Use Director

Minutes Public Hearing Town Meeting Warrant Articles March 9, 2015

Meeting Posted: Yes

Time: 6:35 PM

Place: Town Hall, 17 Main Street, Lunenburg, MA 01462

Present: Nathan J. Lockwood, Damon McQuaid, Kenneth Chenis, Matthew Allison, Adam R. Burney

Absent: Joanna L. Bilotta-Simeone

Vice Chair N. Lockwood opened the Hearing with the reading of the notice published in the Sentinel and Enterprise on February 23 and March 2, 2015. The Public Hearing was to amend the Zoning Bylaw of the Town of Lunenburg by adding to Section 4.0. Use Regulations a new section entitled Section 4.17. Village Center District Bylaw, to add to Section 3.1. entitled Types of Districts a new subsection 3.1.o) to read as follows: "Village Center District", in Section 3.2.1. delete the words "May 3, 2008" and substitute the words "May 2, 2015", to amend Section 4.16. Registered Marijuana Dispensaries to correct numbering sequence, and to amend the Zoning Map to include the Village Center District. Notices were sent to abutting towns, cities, agencies and Town departments.

Article __ To see if the Town will vote to amend the Zoning Bylaw by adding Section 4.17. Village Center District, as follows:

4.17. VILLAGE CENTER DISTRICT

PREAMBLE

The Lunenburg town center region has tremendous importance in symbolizing the unique character and heritage of Lunenburg. As residents engage with the historic buildings and streetscape of this area in the course of their routine daily business, be it school related, recreational, commercial, or even just driving through, the experience greatly reinforces a profound bond with the town's present community and past heritage.

There is an opportunity to significantly improve the quality of this already poignant civic experience and increase the number of people who will be drawn to share in it by expanding the businesses and other attractions in the area. There is also a key challenge to preserving this critical embodiment of our town. Appropriate new uses or remedies must be found to the increasing number of underutilized buildings located about the town center.

Town planning experience and best practices, as exemplified in the state's model bylaw for Village Center Districts, demonstrates some key ingredients to sustaining and enriching this type of environment in small towns. One of these is careful stewardship through clear guidelines for development consistent with what the area means to the community. Another is encouraging a level of intensive mixed use development, so that the critical mass of social and economic activity can be reached that will naturally provide the resources and inspiration required to maintain and organically adapt the area landmarks, buildings, and infrastructure without excessive burden on the Town's public finances.

4.17.1. Purpose

In pursuit of this opportunity and to address this challenge, the Town implements this bylaw and designates this zoning district as Village Center District in order to encourage economic and residential growth that fits the character of the Town.

The purposes of the Village Center District are to:

- a. Build upon the historic development patterns in the existing village centers to create attractive, walkable neighborhoods;
- b. Encourage adaptive reuse of abandoned, vacant or underutilized buildings or structures where appropriate;
- c. Allow for a mix of new land uses that are appropriate to both the needs of the community and the scale of surrounding neighborhoods;
- d. Provide incentives to develop larger parcels at higher densities and in a coordinated, planned approach;
- e. Maintain a consistently high level of design quality throughout the district.
- f. Encourage the development of mixed use buildings and campuses that are designed and constructed in a manner that is contextually sensitive to the existing structures and facilities.

4.17.2. Establishment

The Village Center District is hereby established as of 1 January 2016 and consists of the area shown on Town of Lunenburg Zoning Map on file with the Town/City Clerk and dated [REDACTED] as amended by Town Meeting.

4.17.3. Definitions

Artist Space: A shop for the creation and/or sale of goods made by a potter, ceramicist, silversmith, jewelry maker, painter, photographer or other fine artist. This space may also serve as a living space for the artist provided there is adequate separation between uses per the governing Building and Health Codes.

Banner: A strip of cloth or other man made fabric on which a sign is painted, silk-screened or printed. The display area shall be defined as the area of one face of the banner. The banner shall not exceed (40) square feet and shall not be displayed for more than fourteen (14) consecutive days.

Bed & Breakfast: Bed and Breakfast, or Bed and Breakfast Establishment provided that:

- a) The dwelling is owner occupied.
- b) The lot conforms to all dimensional requirements of the Zoning Bylaw.
- c) Parking for each room available for rent is provided in the side yard behind the setback line or in the rear yard, but not nearer than ten (10) feet to any property line. One (1) parking place shall be provided for each bedroom.
- d) The outside appearance of the building is not altered from that of a residence, except to comply with the Building Code.

Civic Use: A land use that provides a public, cultural, or institutional benefit to the community. Specific uses may include, but shall not be limited to, government offices, religious institutions, educational institutions, and medical facilities (not including veterinary operations). For the purposes of this bylaw, civic uses shall not include open space as defined below.

Multiple Commercial Use: A combination of commercial uses within a single building or lot. In the case of uses that fall under the Special Permit requirements of Section 4.17.5.b. a Zoning Board of Appeals decision must be rendered on the use prior to the filing for Development Plan Review.

Mixed Use: A combination of commercial and residential uses within a single building or lot. In the case of uses that fall under the Special Permit requirements of Section 4.17.5.b. a Zoning Board of Appeals decision must be rendered on the use prior to the filing for Development Plan Review.

Personal Service: An establishment engaged in the provision of services to the general public which are conducted within the structure. This includes, but is not limited to, barbers, hair salons, massage therapists, chiropractors and nail salons.

Professional Office: An office primarily devoted to professional activities, including, but not limited to, banks, real estate, insurance or other agency offices; an office of an accountant, physician, teacher, dentist, engineer, lawyer, homebuilder, photographer, or other recognized professional for which specific training and/or licensing is required. Drive-thru service shall be limited to banks and shall require a Special Permit.

Open Space: In the context of an application for a Village Center District Special Permit, this term denotes open areas set aside for public use as part of a coordinated site development process. Specific requirements for ownership and maintenance are provided in Section 9 and shall not include areas covered with impervious surface treatments.

Transparency: The amount of transparent space that occupies a building façade including standard street-level windows and doorway windows.

Restaurant: A place serving food and beverage within a structure or patio, primarily for consumption on the premises. Drive-thru windows shall be prohibited for this use.

Retail: An establishment engaged in displaying and selling goods or merchandise within a building to the general public or to business establishments where the goods or merchandise are not intended for resale. There shall be no outdoor display of goods without the granting of Special Permit from the Board of Appeals.

4.17.4. Authority

The Planning Board shall act as the administering authority for any Development Plan Review procedure associated with this bylaw Section 8.4. The Board of Appeals shall serve as the Special Permit Granting Authority for any use that requires a Special Permit in the district, any use requiring a Special Permit pursuant to Section 4.17.5.

4.17.5. Use Provisions

a. The following uses are allowed by-right subject to any Development Plan Review requirements listed in Section 8.4 and all applicable density and design provisions listed in this bylaw.

- 1) Retail, with maximum 5,000 sq. ft. of floor area
- 2) Professional Office Space
- 3) Personal Service
- 4) Artist space
- 5) Restaurant
- 6) Bed & Breakfast
- 7) Mixed Use containing less than 5,000 sq. ft. per individual proposed use
- 8) Multiple Commercial Use containing less than 5,000 sq. ft. per individual proposed use
- 9) Civic Uses

b. The following uses are allowed only through the granting of a Special Permit by the Board of Appeals pursuant to the procedures outlined in Section 8.3.

- 1) **Single and** Two-Family Homes;
- 2) Multi-Family Homes;
- 3) Apartment Complexes;
- 4) Movie House/ Theatre (maximum of two screens);
- 5) Liquor Stores
- 6) Outdoor Markets subject to applicable licensing requirements;
- 7) Private Club
- 8) Drive Through Use for Banks
- 9) Retail Use greater than 5,000 sq. ft.
- 10) Uses allowed by-right with a floor area greater than 5,000 sq. ft. included in a Multiple Commercial Use or Mixed Use development.

Special Permit Approval Criteria – The Zoning Board of Appeals shall act upon all applications after notice and public hearing, and after due consideration may grant such a special permit provided that it finds the proposed use:

- a. Is in harmony with the purpose and intent of the Bylaw and will promote the purposes of the Village Center District.
- b. The use is in harmony with those of the abutting properties and the Village Center District as a whole.
- c. All applicable standards for use, parking, and dimensional requirements are met;
- d. All applicable design standards listed in Section 8 are met;
- e. Where multiple structures are proposed, the site design reflects a thoughtful arrangement of elements that will facilitate the movement of pedestrians between structures through the use of sidewalks, internal walkways, alleys or open space features

c. The following uses are prohibited in the Village Center District

- 1) Newly constructed One-story buildings, **except single family homes**;
- 2) Retail operations with more than five thousand (5,000) square feet of gross floor area on any individual floor, except for reuse of ~~existing~~ buildings existing prior to 1 May 2015, with footprints greater than five thousand (5,000) square feet. .
- 3) Drive through establishments, excluding those expressly allowed by Special Permit.

4.17.6. Dimensional Requirements

a.

Building Type	Mixed Use with Commercial 1 st Floor	Other Mixed-Use or Residential Only
Maximum Floor Area Ratio (FAR) (Gross Floor Area/Lot Size)	2.0	1.5
Minimum Lot Frontage	75 feet	
Maximum Lot Coverage	85%	
Minimum Lot Area	N/A	
Number of Buildings Per Lot		
Maximum Building Frontage	300 feet	
Minimum Front Setback	5 feet	
Maximum Front Setback w/o street furniture	15 feet	
Minimum Side/Rear Setback abutting a Residential Zone	10 feet	
Minimum Side/Rear Setback in VCD	5 feet	
Interior Setback (Between Buildings on the Same Lot)	10 feet	

b. Height Limitations for Non-residential and Mixed Use: Building height for mixed use or non-residential use shall not exceed [thirty-eight (38) feet] and no building shall have more than [three (3)] stories.

4.17.7. Parking Requirements

Use	Parking Requirement
Retail/Personal Service/Liquor Store	1 parking space per 400 sq. ft. of net floor area, plus 1 space per employee on the largest shift
Professional Office/Civic Uses	1 parking space per 300 sq. ft. of net floor area
Artists Space	1 parking space per 400 sq. ft. of net retail/gallery floor area, plus 2 parking space per dwelling unit
Restaurant/Private Club	1 parking space per 4 seats, plus one for each employee on the largest shift
Bed & Breakfast	1 parking space per accommodation room, plus 2 parking spaces for the primary residence, plus 1 per non-resident employee on the largest shift.
Mixed Use/Multiple Commercial	Parking to be Provided per the Individual Uses
All Residential Uses	2 parking spaces per dwelling unit
Movie House	1 parking space per 4 occupants, plus 1 parking space per 2 employees on the largest shift
Outdoor Market	1 parking space per 500 sq. ft.

As part of a Site Plan Approval or Special Permit process within this district, the applicant may request reductions to minimum requirements or alternative methods for meeting the required parking. Available innovative parking strategies include:

a. Shared On-Site Parking

1) Non-competing Uses. In mixed-use developments, applicants may propose a reduction in parking requirements based on an analysis of peak demands for noncompeting uses. Up to 50% of the requirements for the predominant use may be waived by the Planning Board if the applicant can demonstrate that the peak demands for two uses do not overlap. An additional 25% with the addition of bicycle parking facilities.

b. Off-Site Parking

Separate from, or in conjunction with Shared Parking provisions, an applicant may use off-site parking to satisfy their parking requirements in accordance with the following conditions:

1) Off-site parking shall be within [one-thousand (1000)] feet of the property for which it is being requested.

2) Off-site parking spaces provided by a separate private property owner shall be subject to a legally binding agreement that will be presented to the Permit Granting Authority as a condition of either the Development Plan Review or the Special Permit. Where an agreement shall expire within a specified timeline, the applicant or current property owner shall continue to provide evidence to the Zoning Enforcement Agent that the agreement has been extended. The Permit Granting Authority will verify with the Zoning Enforcement Officer that there are no existing parking agreements during the permitting process.

4.17.8. Design Standards

The Design Standards in this section shall be applied to development within the Village Center District where applicable.

a. Occupied Lot Area.

1) The total lot devoted to building, parking, outdoor storage and display and other paved hard surfaces may occupy up to eighty-five (85%) percent of the total lot area.

b. Buildings

1) All buildings shall have a principal façade and entry (with operable doors) facing a street or open space. Buildings may have more than one principal façade and/or entry;

2) Building finish materials shall be appropriate to traditional New England architecture ~~and may include, but shall not be limited to brick or high-quality brick face, wood, stone or high-quality stone face.~~;

3) Building facades, materials and roof lines shall be reviewed under the permit granting authority to ensure consistency and compatibility with other structures.

4) Blank walls adjacent to streets, alleys or open spaces shall not be permitted. Where windows are not possible or appropriate to the intended use, vertical articulation in the form of raised or recessed surfaces shall be used to break up blank walls;

5) New retail buildings shall have one of the following features along the front entrances to pedestrians: awning, marquee, arcade and/ or colonnade;

6) Flat roofs that are visible from the street are prohibited unless an appropriate façade is included in the design.

7) Larger buildings with multiple non-residential tenants on the first floor shall articulate the façade in a manner that distinguishes the location of these tenants through the use of decorative raised or depressed vertical surfaces, variations of acceptable signage, awnings, marquees, colonnades or arcades.

8) Mixed Use buildings shall have no more than twenty five (25) percent of the first floor dedicated to residential use. Conversion or partial conversion of residential uses existing before 1 May 2015 are exempt from this provision.

9) All new utility service connections shall be placed underground.

10) Lighting, signage and architectural style shall be consistent with other uses in the District and reviewed under the Permit Granting Authority.

11) All buildings within the Village Center District shall be subject to the requirements of the Architectural Preservation District.

c. Signs

- 1) Primary signs shall be flat against the façade, or mounted projecting from the façade;
- 2) Signs that project from buildings shall have at least ten (10) feet of clearance from the ground level;
- 3) Signs shall be externally lit from the front; lighting shall be provided using a gooseneck fixture. Back lighting of signs shall not be used;
- 4) Neon, flashing signs, moving signs, electric message signs, and roof signs shall not be used, except for barber poles;
- 5) Banners with a specific date of expiration, shall be allowed, after approval by the Zoning Enforcement Officer;
- 6) Signs shall be made of attractive materials consistent with the character of the district. Materials may include wood (painted or natural), stone, copper, brass, galvanized steel, painted canvas or paint/engraved on façade surface;
- 7) Signs may only be incorporated into the skirt of awnings and not on the primary angled surface.
- 8) Each building façade facing a street or parking area is permitted to have signs that equal a maximum size of five percent (5%) of the façade;
- 9) A building with multiple businesses shall have signs of equal size on the façade, signs shall be either rectangular or oval shaped;.
- 10) Free standing signs shall be prohibited except for municipal use, portable and temporary signs;
- 11) Sandwich board signs, flags and other portable signs are permitted only within the property lines, as long as they are properly weighted;
- 12) Window signs, comprising no more than ten percent (10%) of the transparent surface, shall be allowed. Window signs shall not be lighted or animated in any manner, with the exception of the standard lighting fixtures within the building.

d. Site Design

- 1) Interior Streets, Drives, Walkways and Access.
 - a) Site access shall be a divided way (one way in and one way out) where and when appropriate as determined by the Permit Granting Authority.
 - b) Surfaces shall be pervious when possible and practical.
 - c) Street level frontage shall be devoted to entrances, shop windows or other displays;
 - d) Primary entrances to proposed and existing buildings are situated on pedestrian amenities (e.g., sidewalks, plazas or open space) with a minimum width of 10 feet;
 - e) Setbacks are consistent with the fabric of the existing street and do not preclude pedestrian access;
- 2) Parking and Loading Area.
 - a) Parking shall be in the rear or side of building(s) and shall not be visible from the street line when possible. Parking will be reviewed by the Permit Granting Authority.
 - b) All loading docks shall be to the rear of the building(s) and shall not be visible from the street. Adequate access for loading and emergency vehicles is maintained on one side of the building.
- 3) Sidewalks.
 - a) Sidewalks shall be provided from the street line, when applicable, and from the parking areas to building(s).
- 4) Landscaping.
 - a) There shall be a minimum of a four (4) foot landscaped area along the street frontage and along the front and side of the principal building(s) and plantings of indigenous materials along the façades of the building(s) and between the building(s) if there is more than one principal building on site.
 - b) Additional landscaping and screening may be required during the Development Plan Review or by the permitting authority.
 - c) Such landscape shall be a type and height that does not interfere with sight lines of drivers.
 - d) Natural features shall be retained to the extent possible.
 - e) A landscape plan shall be provided and reviewed.

- f) Where residential neighborhoods abut commercial, office or mixed use developments, appropriate transitional features shall be used and may include landscaping, open space or parks, or streets with clearly designed pedestrian features;

5) Street Furniture.

1. Light fixtures shall be designed to be of number and height that grants plentiful lighting. Such lighting shall shine downwards as to not affect adjacent properties and be dark sky compliant.
2. Lighting must also be placed on the side and rear of the building.
3. A Lighting Plan may be required if the Permitting Granting Authority deems the project is of such a scale that the impacts to the neighborhood are adverse; such plan will show where all light fixtures are being proposed within the site plan, as well as a narrative as to the type of light and height of all fixtures.
4. Outdoor tables, benches, and bicycle racks shall be of a style consistent with the principal use(s) of the site.
5. The location, number and style of trash receptacles shall be reviewed under Permit Granting Authority.

4.17.9. Village Center District Campus Developments

Developments that contain multiple buildings and uses on a single lot are encouraged as long as they are sensitive to the context of the surrounding area and meet the purposes outlined above. These development are subject to the provisions of Section 8.4 Development Plan Review of the Protective Bylaw as well as the additional design guidelines outlined in Section 4.17.8. of this Bylaw and below.

- a.. Additional Design Standards: In addition to those design standards listed in Section 4.17.8. of this bylaw, applications for a Village Center District Campus shall also meet the following standards:

1) Buildings

- i. Newly constructed building façades for non-residential first floor uses shall have a transparency of at least ~~forty-three~~ forty-three percent (~~4035~~%) and no more than sixty percent (60%) for all facades that, wholly or partially, address street frontage, sidewalks, or other public space.
- ii. Buildings in Village Center District Campus Developments shall meet the following criteria:
 - a) No more than ten (10) percent of the first floor of newly constructed buildings shall be occupied by residential use.
 - b) No more than sixty (60) percent of the total gross floor area of the development shall be occupied by residential use.

2) Signs

- i. Freestanding directory signs may be permitted as part of a Village Center District Campus application where several non-residential operations are accessed through a common vehicular entrance. Such freestanding signs shall not exceed eight (8) feet in height, six (6) feet in width and each tenant shall be allowed a maximum of four and a half (4.5) square feet to display the company or agency name.

3) Site Design

- i. Buildings shall be arranged in a manner that optimizes the ability of residents and consumers to access public spaces and pedestrian amenities.
 - (ii) Buildings shall be oriented toward each other in a way that minimizes conflicts between pedestrians and automobiles.
 - (iii) Open space provided pursuant to Section 4.17.9.b. of this bylaw shall be designed as a public gathering place. Arcades, courtyards, parks, greens or other common areas shall be located in a manner that connects buildings to each other and to public sidewalks without interruption from parking areas or automobile travel lanes to the greatest practicable extent.
 - (iv) Features that may be used to create open space areas acceptable to the Planning Board may include, without limitation, fixed benches, fixed tables, fountains, pathways, bikeways, bicycle racks, period lighting, shade trees, perennial gardens, picnic areas, and/or trash receptacles.
- b. Open Space Ownership and Maintenance: As a condition of a Special Permit, the Planning Board shall require an applicant to document ownership of open space within the proposed development and to provide a detailed maintenance schedule to ensure the long term care of open space areas.

4.17.10 Severability.

If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby.

D. McQuaid read Preamble and Purpose for benefit of those watching on Public Access.

N. Lockwood opened floor to public comment.

The following residents voiced concerns with the Village Center District (VCD) Bylaw.

David McDonald (speaking as member of the Building Reuse Committee)

Robert Ebersole, 94 Main Street

Rebecca Lantry, 251 West Street (speaking as Chair of Historical Commission)

Jamie Toale, 147 Peninsula Drive (speaking as Chair of the Building Reuse Committee)

Troy Daniels, 94 Main Street

Paula Bertram, 312 Townsend Harbor Road

Charles Arning, 755 West Street

Robert Doolittle, 24 Leominster Road

Concerns voiced:

- Bylaw will create possibility of increase in commercial businesses.
- Lot frontage may encourage construction of an additional building in front of historical buildings.
- District encompasses too large an area.
- The Architectural Preservation District (APD) Bylaw does not support the VCD Preamble. There has been previous discussion that if the APD does not pass at Town Meeting, the VCD Article should be passed over. Both Bylaws should stand on their own merits.
- VCD Bylaw vague.
- Need to protect the integrity of the Town and maintain a sense of character.
- Reconsider one story buildings for the Professional Office category.
- Excessive use of term "increasing density". Is this a priority or is careful stewardship a vision of this bylaw?
- Zoning should be broadened to open up development for buildings not used by the Town.
- Concern with reuse restrictions on Passios under Bylaw. Passios could possibly become "Over 55". Add special permit for one story. Most assisted living is multi-story.
- If there is a currently conforming building lot that is not occupied, how does that change under this bylaw?

Board's response as follows:

- The Bylaw addresses New England character. The APD will provide more specific guidelines.
- The purpose of the VCD is to increase density and walkability. The Bylaw is flexible on parking. Businesses would be allowed to have parking on peripheral areas. People can then park and walk. The VCD fits in a radius of ¼ mile.
- Allowing one story buildings is in contravention of increasing density; e.g., density can be increased by a bank building a two-story with an apartment on the second floor.
- Many of the Bylaw changes are opening up the opportunity to allow for what benefits the community.
- An ANR Plan has a three-year freeze. If there is a currently conforming building lot that is not occupied, after three years it will become a legal lot under the new Bylaw and will require a special permit.

Board discussion followed. D. McQuaid asked the Board to consider allowing single story use by special permit, emphasizing that when it is utilized it address Design Standards. N. Lockwood felt there were useful guidelines addressing the standards for single story use, but was willing to support special permit if the reason was compelling. K. Chenis felt that was covered in the special permit approval criteria.

There was discussion on whether or not to separate out the two Bylaws for Town Meeting. D. McQuaid was concerned that the Historical Commission felt rushed to complete the APD and that whether or not the APD Article passed, the VCD should be voted on separately and not tied to passage of the APD Article. If the APD was voted down, it could come back for a fall special town meeting. K. Chenis opined that it wouldn't be wise to pass the VCD without the APD also passing. Both M. Allison and N. Lockwood agreed. K. Chenis then inquired of B. Lantry if the APD could be pared down to address demolition and then be expanded in the future with amendments. N. Lockwood noted that the decision did not have to be made during this Hearing; further discussion of the APD was needed.

The following updates/changes will be made to the VCD Bylaw:

4.17.2. - add in date of Town Meeting

4.17.5.b.1) – no change

4.17.8.c.8) – change “size” to read “square footage”.

4.17.5.c.1) – change to read “Newly constructed One-story buildings on lots of less than five acres”.

A. Burney noted that the Hearing was mainly for the language of the VCD. The remaining Articles were housekeeping issues.

Article __ To see if the Town will vote to amend the Zoning Bylaw by adding to Section 3.1. a new subsection 3.1.o) “Village Center District”.

Article __ To see if the Town will vote to amend the Zoning Bylaw by deleting the words “May 3, 2008” in Section 3.2.1. and replacing with the words “May 2, 2015”.

Article __ To see if the Town will vote to amend the Zoning Bylaw Section 4.16. “Registered Marijuana Dispensaries” to correct the numbering sequence by renumbering “4.16.9.1.” as “4.16.7.1.”, “4.16.9.2.” as “4.16.7.2.”, and “4.16.10” as “4.16.8.”.

Article __ To see if the Town will vote to amend the Zoning Map to show the new delineation of the Village Center District of the Town.

Motion, D. McQuaid, to close Hearing, Second, M. Allison, all aye. Hearing closed 9:27 PM.